

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

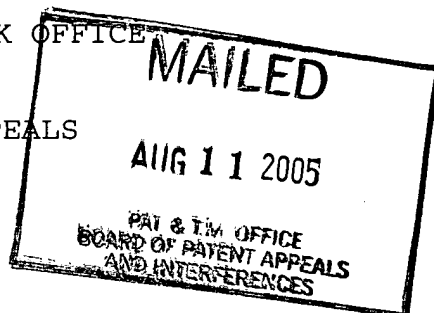
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte FRANK VENEGAS JR.

Application No. 10/027,954

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER



This application was received at the Board of Patent Appeals and Interferences on June 22, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On page 8 of the examiner's answer it appears that no appeal conference has been conducted. According to the Manual of Patent Examining Procedure (MPEP) § 1208 (8th ed., August 2001), when an appeal conference has been held, the appeal conference participants must identify themselves as the conferees, along with placing their initials next to their name. This procedure has not been completely followed, in that one of the conferees has not initialed the

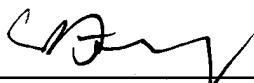
Examiner's Answer. The person who did not sign was Peter Cuomo.
Appropriate correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner to
take corrective action regarding the appeal conference, and for such
further action as may be appropriate.

It is important that the Board of Patent Appeals and
Interferences be informed promptly of any action affecting the
appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

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